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U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

C 99- 2506

10 LARRY BOWOTO, BOLA OYINBO,)
BASSEY JEJE, individually and)
11 on behalf of those similarly)
situated, SUNDAY JOHNBULL)
12 IROWANINU, individually and)
as Administrator of the Estate)
13 of his deceased brother AROLIKA)
IROWANINU, and all plaintiffs)
14 on behalf of the general public,)
)
15 Plaintiffs,)
16)
17 v.)
18 CHEVRON CORPORATION, AND)
MOES 1-500,)
19)
20 Defendants.)

Case No.:
CLASS ACTION
COMPLAINT FOR DAMAGES AND
INJUNCTIVE AND DECLARATORY
RELIEF FOR:
1. SUMMARY EXECUTION
2. CRIMES AGAINST HUMANITY
3. TORTURE
4. CRUEL, INHUMAN, OR
DEGRADING TREATMENT
5. ARBITRARY ARREST AND
DETENTION
6. VIOLATION OF THE RIGHTS
TO LIFE, LIBERTY AND
SECURITY OF PERSON AND
PEACEFUL ASSEMBLY AND
ASSOCIATION
7. WRONGFUL DEATH
8. BATTERY
9. FALSE IMPRISONMENT
10. ASSAULT
11. INTENTIONAL INFLICTION
OF EMOTIONAL DISTRESS
12. NEGLIGENT INFLICTION OF
EMOTIONAL DISTRESS
13. NEGLIGENCE PER SE
14. VIOLATION OF BUSINESS &
PROFESSIONS CODE §17200
15. INJUNCTIVE AND DECLARA-
TORY RELIEF

DEMAND FOR JURY TRIAL

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INTRODUCTION

1
2 1. This is a class action against defendant Chevron
3 Corporation ("Chevron"), a multinational petroleum corporation
4 which conducts extensive oil production operations in Nigeria
5 through its wholly-owned subsidiary Chevron Nigeria, Ltd. (herein-
6 after jointly, "Chevron"). Plaintiffs are a class of individuals
7 from the Ilaji and Ijaw communities who reside in the Niger Delta
8 region of southern Nigeria, and who engaged in peaceful opposition
9 to defendant Chevron's environmental and employment practices.
10 Plaintiffs allege that defendant Chevron, in conjunction with
11 Nigeria's military and police, which acted as Chevron's agent and
12 co-conspirator, did wilfully, maliciously and systematically
13 violate plaintiffs' human rights, including summary execution,
14 torture, and unlawful arrest and detention, for the purpose and
15 with the effect of suppressing plaintiffs' peaceful protests about
16 Chevron's environmental practices on plaintiffs' land.

17 2. The grievous harm suffered by the named plaintiffs and
18 other class members was inflicted by Nigerian military and police
19 personnel, who were acting at the behest of, and with the support,
20 cooperation and financial assistance of defendant Chevron when they
21 attacked plaintiffs' peaceful protests at the Parabe oil platform,
22 in and around Yenagoa and Kaiama and the villages of Opia and
23 Ikenjan in Nigeria. By the acts alleged herein, defendant Chevron
24 caused and was responsible for the deaths of two named plaintiffs
25 and the torture and abuses suffered by many other plaintiffs in
26 violation of international, federal and state law.

27 3. Plaintiffs bring this action under the Alien Tort Claims
28 Act ("ATCA") and California state law.

1 and class members sue these defendants by such fictitious names and
2 capacities. Plaintiffs will amend this Complaint to allege the
3 Moes' true names and capacities when ascertained. Plaintiffs are
4 informed and believe, and on that basis allege, that each ficti-
5 tiously named defendant is responsible in some manner for the
6 occurrences herein alleged and that the injuries to plaintiffs and
7 class members herein alleged were proximately caused by the conduct
8 of such defendants.

9 12. Plaintiffs are informed and believe, and on that basis
10 allege, that at all times herein material, with respect to the
11 events at issue, defendant Chevron (a) was a joint-venturer with
12 the Nigerian government, (b) conspired and/or worked in concert
13 with the Nigerian military and police, and (c) the Nigerian
14 military and police were acting as the agent of and/or working in
15 concert with defendant Chevron and were acting within the course
16 and scope of such agency, employment and/or concerted activity. To
17 the extent the wrongful conduct alleged herein was perpetrated by
18 the Nigerian military and/or police, defendant Chevron conspired
19 in, participated in, knew or should have known about, paid for,
20 benefitted from, confirmed, and/or ratified, such wrongful conduct.

21 13. Whenever and wherever reference is made in this Complaint
22 to any conduct committed by defendant Chevron and its alter ego,
23 Chevron Nigeria Ltd., such allegations and references shall also be
24 deemed to mean the conduct of the defendant Chevron, acting
25 individually, jointly and severally.

26 14. Whenever and wherever reference is made to individuals
27 who are not named as defendants in this Complaint, but who were
28 employees/agents of defendant Chevron, such individuals at all

1 relevant times acted on behalf of Chevron and within the scope of
2 their respective employments.

3 CLASS ALLEGATIONS

4 15. Plaintiffs bring this action as a class action seeking to
5 recover economic damages pursuant to Rule 23(b)(3) of the Federal
6 Rules of Civil Procedure. Plaintiffs also bring this claim as a
7 class action seeking injunctive and declaratory relief on behalf of
8 themselves and all others similarly situated, pursuant to Rules
9 23(a), 23(b)(1)(B), and 23(b)(2) of the Federal Rules of Civil
10 Procedure.

11 16. The plaintiff class consists of Nigerian citizens who
12 suffered violations of their rights to life, liberty and security
13 of person and peaceful assembly and association as a result of
14 attacks by Chevron and the Nigerian military and police on them at
15 Parabe oil rig platform and barge on May 28, 1998 and in their
16 subsequent detention and torture and in Yenagoa and Kaiama and
17 their environs in December 1998 and January 1999 and the villages
18 Opia and Ikenjan in January 1999.

19 17. The exact number of class members is not known, but the
20 class includes hundreds of persons who suffered human rights abuses
21 and other harms during and as a result of the attacks alleged
22 herein. The class is so numerous that joinder of individual members
23 is impracticable.

24 18. The named plaintiffs' injuries arise from a set of facts
25 and circumstances common to that of the class they seek to
26 represent and plaintiffs' allegations herein raise common questions
27 of law.

28 19. These common questions of law and fact include, but are

1 not limited to:

2 (a) whether the harms suffered by named plaintiffs and
3 class members were the result of defendant Chevron's joint venture
4 and/or conspiracy with the Nigerian government;

5 (b) whether the Nigerian military, intelligence and/or
6 police were acting as agents for defendant Chevron with respect to
7 the acts herein;

8 (c) whether defendant Chevron knew or should have known
9 that joint venture operations and the military and intelligence
10 forces acting with them were killing, torturing, and otherwise
11 abusing plaintiffs and class members, and failed to prevent or
12 punish such actions, in furtherance of defendant Chevron's joint
13 venture and economic interests;

14 (d) whether defendant Chevron paid and provided logisti-
15 cal, personal, material and/or other support to the Nigerian
16 military, intelligence and/or police that killed, tortured, and
17 otherwise abused plaintiffs and class members, in furtherance of
18 defendant Chevron's joint venture and economic interest;

19 (e) whether the actions of defendant Chevron, in
20 furtherance of the joint venture and conspiracy alleged herein,
21 give rise to liability under applicable international law, the
22 Alien Tort Claims Act, and other federal and state laws.

23 20. The claims of the named plaintiffs are typical of the
24 claims of class members.

25 21. Plaintiffs are able to and will fairly and adequately
26 protect the interests of class members.

27 22. The attorneys for plaintiffs are experienced in human
28 rights litigation and in class action litigation and will fairly

1 and adequately represent the interests of the class.

2 23. This action is properly maintained as a class action
3 because (a) the prosecution of separate actions by individual
4 members of the class would create a risk of adjudications which
5 would as a practical matter be dispositive of the interests of the
6 other members or would substantially impair or impede their ability
7 to protect their interests, and/or (b) defendant Chevron has acted
8 and continues to act on grounds generally applicable to the class,
9 making final injunctive and declaratory relief appropriate.

10 STATEMENT OF FACTS

11 I. Background

12 24. The Niger Delta is a densely populated rural area located
13 in southern Nigeria.

14 25. Defendant Chevron is the operator of a joint project with
15 the Nigerian government for petroleum development and export in the
16 Niger Delta.

17 26. Upon information and belief, Chevron pays the military
18 and/or police to protect its facilities including its facilities in
19 the Niger Delta.

20 27. Upon information and belief, Chevron hires "supernumer-
21 ary" police to protect its installations in Nigeria. These police
22 are recruited and trained by the Nigerian police force, but are
23 paid for by Chevron and its agents at rates above those paid by the
24 Nigerian government. The police paid by defendant Chevron remain
25 accountable to Nigerian police command structures.

26 28. Chevron began oil production in the Niger Delta in or
27 about 1963. Chevron appropriated land used for oil exploitation
28 through misrepresentations and coercion and without adequate

1 compensation to the owners.

2 29. Chevron's activities have contaminated the local water
3 supply, eroded agricultural land, destroyed the forests and swamps
4 and killed fish and wildlife upon which the local economies were
5 based.

6 30. The communities in the area where plaintiffs reside,
7 including those in the onshore area near the Parabe platform, in
8 Yenagoa, Kaima, Opia and Ikenjan, organized peaceful opposition to
9 the environmental destruction being caused by Chevron's exploita-
10 tion of the area's resources.

11 31. Subsequently, in the winter of 1997-1998, an indigenous
12 organization concerned about spoilation of the environment
13 unsuccessfully attempted to arrange meetings with a Chevron
14 representative.

15 II. Events of May 28, 1998

16 32. On or about May 25, 1998, plaintiffs Larry Bowoto, Bola
17 Oyinbo, Bassey Jeje, Sunday Johnbull Irowaninu, Arolika Irowaninu
18 and approximately 120 other class members went to a Chevron
19 offshore drilling facility (comprised of a barge and platform)
20 known as the Parabe platform, where they peacefully assembled and
21 requested to meet with Chevron officials in order to address
22 Chevron's environmental practices and policies.

23 33. Plaintiffs and class members stayed on the platform while
24 peacefully awaiting a meeting with Chevron officials which they
25 were told was being arranged; during the waiting period, Chevron
26 workers continued to operate the platform and were free to come and
27 go.

28 34. On the morning of May 28, 1998, plaintiffs and others

1 made arrangements to leave the barge to attend a meeting promised
2 by Chevron officials.

3 35. Rather than participate in the meeting, on or about May
4 28, 1998, Chevron called in and used company personnel and
5 equipment to transport Nigerian military and/or police to the
6 Parabe oil rig.

7 36. Upon arriving at the barge and platform, the military
8 and/or police opened fire at the peaceful, unarmed protestors,
9 killing several including plaintiff Arolika Irowaninu and injuring
10 others including Larry Bowoto.

11 37. Chevron requested that the Nigerian military and/or
12 police intervene at the barge and platform.

13 38. The Nigerian military and/or police were transported to
14 the Parabe barge and platform in helicopters owned or leased to
15 Chevron and owned by Chevron employees or agents.

16 39. Chevron Nigeria's acting head of security, James Neku,
17 accompanied the military and/or police forces in Chevron's
18 helicopters.

19 40. For over a month following the attack, Chevron held the
20 bodies of two of the individuals who had been killed and eventually
21 released the bodies and paid burial expenses.

22 41. At the Parabe barge and platform, the Nigerian military
23 and/or police captured Bola Oyinbo, Bassey Jeje, Sunday Johnbull
24 Irowaninu, and others. After being captured, the Nigerian military
25 and/or police detained and repeatedly tortured plaintiffs Bola
26 Oyinbo, Bassey Jeje, Sunday Johnbull Irowaninu, and others.

27 **III. The Events of December, 1998 and early January, 1999**

28 42. On or about December 11, 1998, local youths who are

1 plaintiff class members met in Kaiama, Bayelsa State, formed the
2 Ijaw Youth Council and called on oil companies, including defendant
3 Chevron, to withdraw from the area because of the companies'
4 environmental practices harmful to plaintiffs' homes and communi-
5 ties.

6 43. On or about December 30, 1998, Ijaw youths who were
7 supporting the call for oil company withdrawal held a peaceful
8 demonstration in Yenagoa, Delta State when they were fired upon by
9 Nigerian military and/or police acting for the benefit of defendant
10 Chevron. Several were killed. The following day, youths gathered
11 from the surrounding communities to march from Kaiama toward
12 Yenagoa when they were fired upon by military and/or police troops
13 and at least two were killed.

14 44. To repress peaceful protests, in early January 1999,
15 three truckloads of military, including "supernumerary" police
16 forces paid by Chevron, entered Kaiama village where, over a period
17 of several days, they ransacked and burned houses, beat the
18 residents and fired on and killed many who attempted to flee.

19 45. An Ijaw leader of the area, Chief Sergeant Afuniama,
20 several of his advisors, an Anglican priest and approximately 60
21 other persons, who are plaintiff class members, were taken from
22 Kaiama to a motor park where the military tortured and mutilated
23 them for several days. The chief was beaten to death in front of
24 the others and his body was left in full view of the others during
25 the day. Later the chief's body and nine other corpses were removed
26 by the soldiers.

27 46. On or about January 4, 1999, a Chevron helicopter and
28 Chevron river craft brought Nigerian military and/or police to the

1 Ijaw villages of Opia and Ikenyan. The military and/or police
2 killed four persons and caused another, a thirty-year-old woman, to
3 disappear, shot and wounded more than twenty others, destroyed
4 churches, religious shrines, water wells, burned down more than
5 fifty houses, killed livestock, and destroyed the trees, canoes and
6 fishing equipment belonging to the villagers.

7 IV. General Allegations

8 47. At all times relevant hereto, the Nigerian military
9 and/or police were acting in concert and conspiracy with, at the
10 request of and/or for the benefit of defendant Chevron, and were
11 acting as Chevron's agent. The acts of conspiracy between and
12 among Chevron and the Nigerian military and police include, but are
13 not limited to, the following:

14 (a) the use of Chevron equipment to transport military
15 and police involved in the human rights violations set forth above;

16 (b) the assistance and cooperation provided the military
17 and police by Chevron enabling the former to commit the human
18 rights violations described above;

19 (c) the provision of intelligence and other information
20 by Chevron to the Nigerian military and police;

21 (d) the participation of Chevron employees in the
22 planning and coordination of "security operations," including raids
23 and terror campaigns conducted in the Niger Delta, through regular
24 meetings between defendant Chevron, its agents, alter-egos, co-
25 conspirators, and officials of the local security forces;

26 (e) payments by Chevron to the military and/or police to
27 provide security to Chevron facilities;

28 (f) the targeting by the military and/or police of

1 communities that protested Chevron's environmental practices in the
2 Niger delta.

3 48. At all times relevant herein, defendant Chevron knew or
4 should have known that the Nigerian government and its army and
5 police committed human rights abuses, including summary executions,
6 imprisonment under inhumane conditions and torture, in connection
7 with exploitation of oil in the Niger Delta.

8 49. The wrongful acts described herein were inflicted under
9 color of law and under color of official authority and/or in
10 conspiracy with or on behalf of those acting under color of
11 official authority.

12 50. The acts and injuries to plaintiffs and class members and
13 their next-of-kin described herein were part of a pattern and
14 practice of systematic human rights violations requested, paid,
15 confirmed and/or ratified by defendant Chevron and its agents
16 and/or committed in conspiracy with the Nigerian military and
17 police.

18 51. As a direct and proximate result of defendant Chevron's
19 unlawful conduct, plaintiffs and class members have suffered and
20 will continue to suffer harm, including pain and suffering, and
21 extreme and severe mental anguish and emotional distress as well as
22 harm to their business activities.

23 52. The participation of defendant Chevron in summary
24 execution, crimes against humanity, torture, cruel, inhumane or
25 degrading treatment, arbitrary arrest and detention, violation of
26 the rights to life, liberty and security of person and peaceful
27 assembly and association, and wrongful death is actionable under
28 the Alien Tort Claims Act, 28 U.S.C. §1350, which incorporates in

1 federal common law customary international law as reflected in:

2 (i) United Nations Charter, 59 Stat. 1031, 3 Bevans
3 1153 (1945);

4 (ii) Universal Declaration of Human Rights, G.A.
5 Res. 217A(iii), U.N. Doc. A/810 (1948);

6 (iii) International Covenant on Civil and Political
7 Rights, G.A. Res. 2220A(XXI), 21 U.N. Doc., GAOR Supp.
8 (No. 16) at 52, U.N. Doc. A/6316 (1966);

9 (iv) Convention Against Torture and Other Cruel,
10 Inhuman or Degrading Treatment or Punishment, G.A. Res.
11 39/46, 39 U.N. Doc., GAOR Supp. (No. 51) at 1100, U.N.
12 Doc. A/39/51 (1984);

13 (v) Declaration on the Protection of All Persons
14 From Being Subjected to Torture and Other Cruel, Inhuman
15 or Degrading Treatment or Punishment, G.A. Res. 3452, 30
16 U.N. Doc., GAOR Supp. (No. 34) at 91, U.N. Doc. A/10034
17 (1976).

18 53. There is no independent functioning judiciary in Nigeria
19 and any suit against defendant Chevron there would have been and
20 would still be futile and would result in serious reprisals.

21 FIRST CLAIM FOR RELIEF

22 (Summary Execution)

23 [Plaintiff Arolika Irowaninu,

24 Individually and on Behalf

25 of those Similarly Situated,

26 Against Defendant and Moes 1-500]

27 54. The allegations set forth in paragraphs 1 through 53 of
28 this Complaint are realleged and incorporated by reference as if

1 fully set forth herein.

2 55. The deliberate killings, under color of law, of Arolika
3 Irowaninu and class members were not authorized by a lawful
4 judgment pronounced by a regularly constituted court affording all
5 the judicial guarantees which are recognized as indispensable by
6 civilized peoples.

7 56. The acts described herein constitute summary execution,
8 in violation of the Alien Tort Claims Act, customary international
9 law, the international treaties, agreements, conventions and
10 resolutions described in paragraph 52 herein, the common law of the
11 United States, and the statutes and common law of the State of
12 California.

13 57. Defendant Chevron is liable for the killings because it
14 requested, paid, confirmed, ratified, and/or conspired with the
15 Nigerian military and/or police to cause the deaths of Arolika
16 Irowaninu and other class members.

17 SECOND CLAIM FOR RELIEF

18 (Crimes Against Humanity)

19 [All Plaintiffs, Individually and

20 On Behalf of All Those Similarly Situated,

21 Against Defendant and Moes 1-5001

22 58. The allegations set forth in paragraphs 1 through 53 of
23 this Complaint are realleged and incorporated by reference as if
24 fully set forth herein.

25 59. The wrongful acts described herein carried out against
26 plaintiffs and class members constitute crimes against humanity, in
27 violation of customary international law, which prohibits inhumane
28 acts of a very serious nature such as willful killing, torture,

1 arbitrary arrest and detention, and other inhumane acts committed
2 as part of a widespread or systematic attack against any civilian
3 population or persecutions on political, racial, or religious
4 grounds.

5 60. The acts described herein constitute crimes against
6 humanity, in violation of the Alien Tort Claims Act, customary
7 international law, the common law of the United States, the
8 statutes and common law of the State of California and the
9 international treaties, agreements, conventions and resolutions
10 described in paragraph 53 herein.

11 61. Defendant Chevron is liable to plaintiffs and class
12 members for said conduct in that it requested, paid, confirmed,
13 ratified, and/or conspired with the military and police to bring
14 about the crimes against humanity committed against plaintiffs and
15 class members.

16 THIRD CLAIM FOR RELIEF

17 (Torture)

18 [Plaintiffs Larry Bowoto, Bola Oyinbo, Bassey Jeje,
19 Individually and On Behalf of All Those Similarly Situated,
20 Against Defendant and Moes 1-500]

21 62. The allegations set forth in paragraphs 1 through 53 of
22 this Complaint are realleged and incorporated by reference as if
23 fully set forth herein.

24 63. The torture of Larry Bowoto, Bola Oyinbo, Bassey Jeje,
25 and class members, as described herein, was inflicted deliberately
26 and intentionally for purposes which included, among others,
27 punishing the victim or intimidating the victim or third persons.

28 64. The acts described herein constitute torture, in

1 violation of the Alien Tort Claims Act, customary international
2 law, the common law of the United States, the statutes and common
3 law of the State of California, and the international treaties,
4 agreements, conventions and resolutions described in paragraph 52
5 herein.

6 65. Defendant Chevron is liable for said conduct in that it
7 requested, paid, confirmed, ratified, and/or conspired with the
8 Nigerian military and police to bring about the torture of Larry
9 Bowoto, Bola Oyinbo, Bassey Jeje and class members.

10 FOURTH CLAIM FOR RELIEF

11 (Cruel, Inhuman, or Degrading Treatment)

12 [All Plaintiffs, Individually and

13 On Behalf of All Those Similarly Situated,

14 Against Defendant and Moes 1-500]

15 66. The allegations set forth in paragraphs 1 through 53 of
16 this Complaint are realleged and incorporated by reference as if
17 fully set forth herein.

18 67. The wrongful acts described herein had the intent and the
19 effect of grossly humiliating and debasing plaintiffs and class
20 members, forcing them to act against their will and conscience,
21 inciting fear and anguish, and/or breaking plaintiffs' and class
22 members' physical or moral resistance.

23 68. The acts described herein constitute cruel, inhumane or
24 degrading treatment in violation of the Alien Tort Claims Act,
25 customary international law, the common law of the United States,
26 the statutes and common law of the State of California, and the
27 international treaties, agreements, conventions and resolutions
28 described in paragraph 52 herein.

1 69. Defendant Chevron's acts alleged herein caused plaintiffs
2 and class members to be placed in great fear for their lives and
3 forced them to suffer severe physical and psychological abuse and
4 agony.

5 70. Defendant Chevron is liable for said conduct in that it
6 requested, paid, confirmed, ratified, and/or conspired with the
7 military and police to cause the cruel, inhumane or degrading
8 treatment of plaintiffs and class members.

9 FIFTH CLAIM FOR RELIEF

10 (Arbitrary Arrest and Detention)

11 [Plaintiffs Larry Bowoto, Bola Oyinbo,
12 Individually and On Behalf of All Those Similarly
13 Situated, Against Defendant and Moes 1-500]

14 71. The allegations set forth in paragraphs 1 through 53 of
15 this Complaint are realleged and incorporated by reference as if
16 fully set forth herein.

17 72. The arbitrary arrests and detentions of Larry Bowoto,
18 Bola Oyinbo, and class members were illegal and unjust, and in
19 violation of customary international law.

20 73. Plaintiffs and class members were placed in fear for
21 their lives, deprived of their freedom, separated from their
22 families and forced to suffer severe physical and mental abuse.

23 74. The acts described herein constitute arbitrary arrest and
24 detention, in violation of the Alien Tort Claims Act, customary
25 international law, the common law of the United States, the
26 statutes and common law of the State of California, and the
27 international treaties, agreements, conventions and resolutions
28 described in paragraph 52 herein.

1 75. Defendant Chevron is liable for said conduct in that it
2 requested, paid, confirmed, ratified, and/or conspired with the
3 military and police to bring about the arbitrary arrests and
4 detention of Larry Bowoto, Bola Oyinbo and class members.

5 SIXTH CLAIM FOR RELIEF

6 (Violation of the Rights to Life,
7 Liberty and Security of Person
8 and Peaceful Assembly and Association)

9 [All Plaintiffs, Individually and
10 On Behalf of All Those Similarly Situated,
11 Against Defendant and Moes 1-500]

12 76. The allegations set forth in paragraphs 1 through 53 of
13 this Complaint are realleged and incorporated by reference as if
14 fully set forth herein.

15 77. The beating and shooting of plaintiffs Bassey Jeje and
16 class members when they were peacefully demonstrating against the
17 actions of defendant Chevron violated and deprived them of their
18 rights to life, liberty and security of person, and their rights to
19 peaceful assembly and association for which defendant Chevron may
20 be held liable.

21 78. The killing of Arɔlika Irowaninu and class members
22 violated and deprived them of their rights to life, liberty and
23 security of person and peaceful assembly and association for which
24 defendant Chevron may be held liable.

25 79. The arrests and detentions of Larry Bowoto, Bola Oyinbo,
26 Bassey Jeje, Sunday Johnbull Irowaninu, and class members violated
27 and deprived of their rights to liberty and security of person and
28 peaceful assembly and association for which defendant Chevron may

1 be held liable.

2 80. The wrongful acts described herein violated and deprived
3 plaintiffs and class members' of their rights to life, liberty and
4 security of person, and to peaceful assembly and association, in
5 violation of the Alien Tort Claims Act, customary international
6 law, the common law of the United States, the statutes and common
7 law California, and the international treaties, agreements,
8 conventions and resolutions described in paragraph 52 herein.

9 81. Defendant Chevron is liable for said conduct in that it
10 requested, paid, confirmed, ratified, and/or conspired with the
11 military and police to bring about the violations and deprivations
12 of the rights to life, liberty and security of person and peaceful
13 assembly and association.

14 SEVENTH CLAIM FOR RELIEF

15 (Wrongful Death)

16 [Plaintiff Sunday Johnbull Irowaninu, Individually and

17 On Behalf of All Those Similarly Situated,

18 Against Defendant and Moes 1-500]

19 82. Plaintiff Sunday Johnbull Irowaninu on behalf of his
20 deceased relative, Arolika Irowaninu, realleges and incorporates by
21 reference the allegations set forth in paragraphs 1 through 53 as
22 if fully set forth herein.

23 83. Plaintiff Sunday Johnbull Irowaninu is the brother of
24 Arolika Irowaninu and his heir at law.

25 84. As a direct result of defendant Chevron's acts and
26 omissions and as a result of the death of his brother, plaintiff
27 Sunday Johnbull Irowaninu has sustained pecuniary loss resulting
28 from loss of society, comfort, attention, services and support of

Complaint

1 decedent Arolika Irowaninu.

2 85. Defendant Chevron is liable for said conduct in that it
3 requested, paid, confirmed, ratified, and/or conspired with the
4 military and police to bring about the wrongful deaths of Arolika
5 Irowaninu and class members.

6 86. The acts described herein constitute wrongful death,
7 actionable under the laws of the State of California and the United
8 States.

9 EIGHTH CLAIM FOR RELIEF

10 (Battery)

11 [Plaintiffs Larry Bowoto and Bola Oyinbo Individually
12 and on Behalf of All Others Similarly Situated,
13 Against Defendant and Moes 1-500]

14 87. The allegations set forth in paragraphs 1 through 53 of
15 this Complaint are realleged and incorporated by reference as if
16 fully set forth herein.

17 88. Defendant intentionally committed acts which resulted in
18 harmful or offensive contact with plaintiffs' and class members'
19 persons. Plaintiffs and class members did not consent to the
20 contact, which caused injury, damage, loss or harm to plaintiffs
21 and class members.

22 89. The acts described herein constitute battery, actionable
23 under the laws of the State of California and of the United States.

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1 NINTH CLAIM FOR RELIEF

2 (False Imprisonment)

3 [Plaintiffs Larry Bowoto and Bola Oyinbo Individually
4 and On Behalf of All Others Similarly Situated,
5 Against Defendant and Moes 1-500]

6 90. The allegations set forth in paragraphs 1 through 53 of
7 this Complaint are realleged and incorporated by reference as if
8 fully set forth herein.

9 91. Defendant intentionally and unlawfully exercised force or
10 the express or implied threat of force to restrain, detain, or
11 confine plaintiffs Larry Bowoto, Bola Oyinbo, and class members.
12 The restraint, detention, or confinement compelled plaintiffs Larry
13 Bowoto, Bola Oyinbo, and class members to stay or go somewhere
14 against their will for some appreciable time. The plaintiffs and
15 class members did not consent to this restraint, detention, or
16 confinement.

17 92. Defendant's actions constituted false imprisonment of
18 Larry Bowoto, Bola Oyinbo, and class members, actionable under the
19 laws of the State of California and constituted false imprisonment
20 under the laws of the United States.

21 TENTH CLAIM FOR RELIEF

22 (Assault)

23 [All Plaintiffs, Individually
24 and On Behalf of All Others Similarly Situated,
25 Against Defendant and Moes 1-500]

26 93. The allegations set forth in paragraphs 1 through 53 of
27 this Complaint are realleged and incorporated by reference as if
28 fully set forth herein.

1 94. The conduct of defendant Chevron and Moes 1-500 caused
2 plaintiffs Larry Bowoto, Bola Oyinbo, Bassey Jeje, Sunday Johnbull
3 Irowaninu, and class members to be apprehensive that defendant
4 Chevron would subject them to imminent batteries and/or intentional
5 invasions of their rights to be free from offensive and harmful
6 contact, and said conduct demonstrated that defendant Chevron had
7 a present ability to subject plaintiffs and class members to an
8 immediate, intentional, offensive and harmful touching.

9 95. The acts described herein constitute assault, actionable
10 under the laws of the State of California and the laws of the
11 United States.

12 ELEVENTH CLAIM FOR RELIEF

13 (Intentional Infliction of Emotional Distress)

14 [All Plaintiffs, Individually

15 and On Behalf of All Others Similarly Situated,

16 Against Defendant and Moes 1-500]

17 96. The allegations set forth in paragraphs 1 through 53 of
18 this Complaint are realleged and incorporated by reference as if
19 fully set forth herein.

20 97. The acts described herein constitute outrageous conduct
21 against plaintiffs and class members, who were unprotected and
22 without privilege.

23 98. Defendant intended to cause plaintiffs and class members
24 to suffer emotional distress; engaged in the conduct with reckless
25 disregard of the probability that its conduct would cause plain-
26 tiffs to suffer emotional distress; plaintiffs were present at the
27 time the outrageous conduct occurred and defendant Chevron knew
28 that plaintiffs and class members were present.

1 99. Plaintiffs and class members suffered severe emotional
2 distress which was caused by defendants' outrageous conduct as
3 alleged herein.

4 100. Defendant's outrageous conduct constitutes the inten-
5 tional infliction of emotional distress and is actionable under the
6 laws of the State of California and the United States.

7 TWELFTH CLAIM FOR RELIEF

8 (Negligent Infliction of Emotional Distress)

9 [All Plaintiffs, Individually

10 and On Behalf of All Others Similarly Situated,

11 Against Defendant and Moes 1-500]

12 101. The allegations set forth in paragraphs 1 through 53 of
13 this Complaint are realleged and incorporated by reference as if
14 fully set forth herein.

15 102. At all relevant times, defendant Chevron owed plaintiffs
16 and class members a duty to act with reasonable care, and/or injury
17 to plaintiffs and class members was reasonably foreseeable.

18 103. At all relevant times, defendant Chevron had the power,
19 ability, authority and duty to stop engaging in the wrongful
20 conduct described herein and to intervene to prevent or prohibit
21 such conduct.

22 104. At all relevant times, defendant Chevron knew, or
23 reasonably should have known, that the conduct described herein
24 would and did proximately result in physical and emotional distress
25 to plaintiffs and class members.

26 105. Despite said knowledge, power, and duty, defendant
27 Chevron breached its duty to plaintiffs and class members, and
28 negligently failed to act so as to stop engaging in the conduct

1 described herein and to prevent or to prohibit such conduct or to
2 otherwise protect plaintiffs and class members. To the extent that
3 said negligent conduct was perpetrated by defendant Chevron and/or
4 its alter-ego Chevron Nigeria Ltd., they confirmed and ratified
5 said conduct with the knowledge that plaintiffs' and class members'
6 emotional and physical distress would thereby increase and with a
7 wanton and reckless disregard for the deleterious consequences to
8 plaintiffs and class members.

9 106. Plaintiff Sunday Johnbull Irowaninu, and class members
10 were bystanders and immediately observed the circumstances of the
11 killing and other assaults on family members.

12 107. As a direct and legal result of defendant Chevron's
13 wrongful acts, plaintiffs and class members have suffered and will
14 continue to suffer significant physical injury, pain and suffering
15 and extreme and severe mental anguish and emotional distress.

16 108. Defendant's conduct constitutes the negligent infliction
17 of emotional distress and is actionable under the laws of the State
18 of California and the United States.

19 THIRTEENTH CLAIM FOR RELIEF

20 (Negligence Per Se)

21 [All Plaintiffs, Individually

22 and On Behalf of All Others Similarly Situated,

23 Against Defendant and Moes 1-500]

24 109. The allegations set forth in paragraphs 1 through 53 of
25 this Complaint are realleged and incorporated by reference as if
26 fully set forth herein.

27 110. Defendant failed to use ordinary or reasonable care in
28 order to avoid injury to plaintiffs and class members. Defendant's

Complaint

Case No.

1 negligence was a cause of injury, damage, loss or harm to plain-
2 tiffs and class members.

3 111. As a result of these acts, plaintiffs and class members
4 suffered harm including, but not limited to, severe emotional
5 distress. Defendant's conduct constitutes negligence and is
6 actionable under the laws of the State of California, the United
7 States, and customary international law, including but not limited
8 to the laws described in paragraph 52.

9 FOURTEENTH CLAIM FOR RELIEF

10 (Violation of Business & Professions Code §17200)

11 [All Plaintiffs On Behalf of Themselves
12 and the General Public]

13 112. The allegations set forth in paragraphs 1 through 53 of
14 this Complaint are realleged and incorporated by reference as if
15 fully set forth herein.

16 113. Plaintiffs and class members brings this cause of action
17 on behalf of themselves and on behalf of the general public,
18 pursuant to Business and Professions Code §17204. The conduct of
19 defendant Chevron as alleged herein has been and continues to be
20 deleterious to plaintiffs and class members and the general public,
21 and plaintiffs and class members are seeking to enforce important
22 rights affecting the public interest within the meaning of Code of
23 Civil Procedure §1021.5.

24 114. Defendant's fraudulent and deceptive practices as alleged
25 herein constitute ongoing and continuous unfair business practices
26 within the meaning of Business and Professions Code §17200. Such
27 practices include, but are not limited to murder, threats, rape,
28 battery, and other acts of torture and further intimidation on the

1 plaintiffs and class members to force plaintiffs and class members
2 cease their protests against the spoliation of their land and
3 livelihood, and the making of material misrepresentations and
4 omissions in the sale of securities. Members of the public have
5 been in the past and will in the future likely be damaged by these
6 practices.

7 115. The conduct as alleged herein constitutes a violation of
8 under customary international law. The use of such unfair,
9 illegal, and destructive practices creates an unfair business
10 advantage over competitors within the State of California and the
11 United States.

12 116. The acts described herein constitute unfair business
13 practices in violation of the State of California Business &
14 Professions Code §§17200 et seq.

15 117. Plaintiffs and class members seek injunctive relief,
16 disgorgement of all profits resulting from these unfair business
17 practices, restitution and other appropriate relief on behalf of
18 themselves and members of the general public as provided in
19 Business and Professions Code §17203.

20 FIFTEENTH CLAIM FOR RELIEF

21 (Injunctive and Declaratory Relief)

22 [All Plaintiffs and class members On Behalf of Themselves
23 and the General Public]

24 118. The allegations set forth in paragraphs 1 through 53 of
25 this Complaint are realleged and incorporated by reference as if
26 fully set forth herein.

27 119. As a result of defendant Chevron's conduct, plaintiffs
28 and class members and all others similarly situated have been

1 injured, and in the absence of injunctive relief, will be irrepara-
2 bly harmed. Plaintiffs and all others similarly situated have no
3 adequate remedy at law. Plaintiffs therefore seek injunctive
4 relief under the laws of equity to remedy their injuries and
5 prevent any future injury to their persons, or to all those
6 similarly situated.

7 120. There is an actual controversy between all plaintiffs and
8 class members and defendant Chevron, and plaintiffs and class
9 members seek a declaration of their rights to be free of coercion
10 by defendant Chevron.

11 PRAYER FOR RELIEF

12 WHEREFORE, each and every plaintiff prays for judgment against
13 defendant Chevron in excess of \$75,000, as follows:

- 14 (a) for compensatory damages;
- 15 (b) for punitive damages;
- 16 (c) for treble damages;
- 17 (d) for certification of a class under F.R.C.P. 23(b)(1)(B)
18 and (b)(2) and for injunctive and declaratory relief, including,
19 but not limited to, an order directing defendants to cease payment
20 to the Nigerian military and police, and an order directing
21 defendants to cease their participation in the joint enterprise
22 until the resulting human rights violations in Nigeria cease, and
23 such other injunctive and declaratory relief as this Court deems
24 appropriate;
- 25 (e) for certification of a class under F.R.C.P. 23(b)(3); and
- 26 (f) for costs of suit, attorneys fees and such other relief as
27 the Court deems just and proper.

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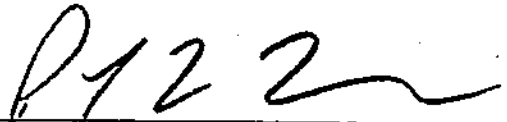
JURY TRIAL DEMAND

Plaintiffs hereby demand a jury trial on all issues so triable.

DATED: May 27, 1999
San Francisco, CA

Respectfully submitted,

By:



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